

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Crim. Case 10-20312-02

vs.

HON. GEORGE CARAM STEEH

JUSTIN J. SHARP,

Defendant.

ORDER DENYING DEFENDANT'S MOTION
FOR RECONSIDERATION OF SENTENCE [DOC. 19]

Defendant Justin Sharp was charged in a one count information with conspiracy to possess with intent to distribute and to distribute MDMA in violation of 21 U.S.C. §§ 841(a)(1) and 846 on July 7, 2010. On the same day, defendant pleaded guilty. On November 18, 2010, this court sentenced defendant to 20 months imprisonment, which was a sentence below the applicable guidelines range. The court entered its Judgment of Sentence on November 18, 2010. Defendant filed his motion for reconsideration of sentence on January 26, 2011.

Defendant's basis for arguing for a reduction of his sentence is a change in his family circumstances, and that his co-defendant received a more lenient sentence. Defendant does not cite to any authority for the court granting the requested reduction. Rule 35(a) of the Federal Rules of Criminal Procedure provides that "[w]ithin 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error." This 14-day time period for bringing such a motion to correct a sentence

is jurisdictional. United States v. Diaz-Clark, 292 F.3d 1310, 1317 (11th Cir. 2002). Therefore, the time limit for any amendment of defendant's sentence expired on December 2, 2010.

Even if defendant's motion was timely, Rule 35(a) only authorizes an amendment for arithmetical, technical, or other clear error. A court's authority under Rule 35(a) "is exceedingly limited," and not intended to allow a change of heart or reconsideration of the Court's imposition of sentence. United States v. Galvan-Perez, 291 F.3d 401, 406 (6th Cir. 2002).

For these reasons, defendant's motion for reconsideration of sentence is DENIED. So ordered.

Dated: March 8, 2011

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 8, 2011, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk